

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2003 DEC 18 P 2:14

IN RE PHARMACEUTICAL INDUSTRY AVERAGE)
WHOLESALE PRICE LITIGATION)

MDL NO. 1456

C.A. No. 01-CV-12257 (PBS)

THIS DOCUMENT RELATES TO:)

DISTRICT COURT

DISTRICT OF MASS.
HON. PATTI B. SARIS

COUNTY OF SUFFOLK,
Plaintiff,

v.

C.A. No. 03-CV-10643 (PBS)

ABBOTT LABORATORIES, INC., *et al.*
Defendants.

NOTICE OF FILING OF REVISED
LIST OF THE "SUFFOLK 13"

After the hearing on the motions to dismiss the *Suffolk County* complaint on December 12, 2003, counsel for Eli Lilly and Company ("Lilly") informed the undersigned that Lilly has been dropped from all AWP cases other than the *Suffolk County* and related county cases, and that it therefore qualifies to be counted as one of the "Suffolk 13" discussed during that argument. Accordingly, attached to this Notice is a revised version of the list of the Suffolk 13 that was handed up to the Court on December 12. The revision (1) adds the name of Lilly and (2) counts the two Ivax entities as a single defendant, as they are treated in the Amended Complaint. There therefore continue to be thirteen defendants on the list of the Suffolk 13.

Counsel for the Suffolk 13 defendants are at the Court's disposal if the Court should feel that it would be helpful to hear additional argument on why these companies should

not be entangled in the expense and distraction of massive multidistrict litigation solely because they were mechanically selected from a list by one plaintiff.

Dated: December 17, 2003

Respectfully submitted,

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Attorneys for Defendant Merck & Co., Inc.

CERTIFICATE OF SERVICE

I certify that on December 17, 2003, a true and correct copy of the foregoing Notice was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.



Robert B. Funkhouser

Revised December 17, 2003

**Defendants named in Suffolk County Amended Complaint
but not in AMCC or State AWP Cases^{*}**

Agouron Pharmaceuticals, Inc.

Barr Laboratories, Inc.

Berlex Laboratories, Inc.

Biogen, Inc.

Eli Lilly and Company

Forest Pharmaceuticals, Inc.

Genentech, Inc.

Ivax Corporation *and* Ivax Pharmaceuticals, Inc.

Medimmune, Inc.

Merck & Co., Inc.

Purdue Pharma, L.P.

Reliant Pharmaceuticals

Sanofi-Synthelabo, Inc.

^{*} Most are also named in the Westchester County and Rockland County complaints.